

DEC 10 2020

**TOWN OF SOMERS**  
**Conservation Commission**  
**600 Main Street**

**REGULAR MEETING**  
**WEDNESDAY, DECEMBER 2, 2020**  
**7:00 PM – VIRTUAL MEETING VIA TELECONFERENCE (ZOOM)**  
**MINUTES**

- I. CALL TO ORDER Meeting called to order by Chairperson Drew Kukucka at 7:02 P.M. Commissioners in attendance were Candace Aleks, Daniel Fraro, Greg Genlot, and Karl Walton. Also in attendance were recording secretary Tara Comrie and Wetland Agent Shapiro.

II. OLD BUSINESS

1. **Application #739:** 23 Eleanor Road. 25-Unit Housing Development in the Upland Review Area. Gingras Development II LLC/Tom Carenzo.

*To be tabled until January 6 meeting, per request of applicant.*

Agent Shapiro reported that the applicant is working on requested plan revisions.

2. **Application #740:** 50 Hangdog Lane. Construct Driveway and Repair Drainage in Upland Review Area. Roulier Family Partnership/Daniel R. Roulier.

*Petition received, requesting that Conservation Commission schedule a public hearing for this application.*

Agent Shapiro stated that there have been a couple of developments since the application was received. According to a petition to intervene submitted on behalf of Jackie Sarkis, more than 25 residents would like there to be a public hearing. Agent Shapiro recommended that the commission schedule a hearing.

Drew Kukucka asked if the signatures had been verified. Karl Walton pointed out the fact that if there is a reasonable expression of interest in any application, the Conservation Commission typically will schedule a public hearing, and verifying is not necessary.

Agent Shapiro explained that there are further rights that come with intervener status, when it comes to the public hearing. The intervener participates as a party in the hearing, and can present experts, and have a greater role than a standard member of the public.

Karl Walton asked if the intervener has any authority over the decision. Agent Shapiro explains that the intervener does not have authority, just more involvement in the process. Karl Walton for clarification on the request made in the application. Agent Shapiro stated that the applicant would like to construct an access driveway and repair drainage problems in the upland review area.

Karl Walton motioned to schedule a public hearing for the next commission meeting on Jan 6<sup>th</sup> 2021 at 7:00 P.M.

Greg Genlot Seconded.

All in favor. Motion carried.

### III. NEW BUSINESS

1. **Application #741:** 183 Root Road. Construction of driveway with watercourse and wetland crossing, associated with construction of new house. David Fontaine.

David Fontaine and Mike Mocko are on the call. Agent Shapiro stated that the application came in the day before the meeting and that there has been no thorough review or site visit yet.

David Fontaine stated that has been a resident of Somers since 2006. A month ago he bought the property on 183 Root Rd and hired Mike Mocko to make sure the crossing would be done correctly with commission approval.

Mike Mocko stated that the proposed activity is the creation of a driveway crossing of a small intermittent stream and narrow wetlands. The wetland flanks the stream, approximately 5 foot wide on either side.

Mike Mocko stated that he applied for a forestry operation on the site in the past. Currently there is a wooden plank bridge over the stream that was used for logging in accordance with that approved application. The wetlands and stream were bridged so that the logging equipment didn't have to run through wetlands or stream.

Mike Mocko stated that the next step is to construct a driveway. He stated that the owner will need a culvert for a permanent driveway crossing at the stream. The stream is 2' to 3' at the widest point and that it runs 1" to 2" deep during seasonal flows. It is dry for most of the summer.

Mike Mocko stated that the drainage comes from the high side of Root Rd, passes through an 18" culvert under Root Rd to the Fontaine property, then runs to the Gallant property where Mike Mocko put in a driveway crossing 10 to 12 years ago for that home construction. In that construction he stated that he used two 12" pipes because of the topography.

On the Fontaine property Mike Mocko stated that he proposes to use one 24" pipe with a headwall on either side, a plunge pool and rip rap on the downside of the pipe to check velocity during extreme storms.

Mike Mocko stated that the stream sits in a gully. He said he will have to flatten the grade somewhat to get a suitable driveway in there. He proposed a two foot culvert with 6 feet of fill on top of it to get to the 8 percent grade which is a zoning requirement. He stated that a guardrail and permanent vegetation are proposed to be installed at the end of the job to enhance the buffer zone for 100' at the edge of the brook. There will be standard erosion controls in place.

Mike Mocko explains that the job procedure during construction may require him to pump the water around the site if water is flowing during construction. He has a diversionary technique in mind. The project would require a two day construction period to set the culvert. His proposed plan is to stabilize the site quickly at the stream and within the buffer zone so as not to expose the site to weather for very long. He proposes native plants along the driveway.

Mike Mocko asks the commission if they have any questions or comments.

Candace Aleks stated that she reviewed the plan and understand what is being proposed.

Karl Walton stated that he reviewed the plan as well and that Mike Mocko's verbal description is very clear.

Drew Kukucka asked Mike Mocko when he proposes to start the work. Mike Mocko stated that plan to work through the winter and begin as soon as the permit is available. He stated that the culvert setting would take 2 days, filling over the top of culvert would take 4 days (using erosion control and a silt fence during the process, slopes stabilized with boulders with a blanket of filter fabric underneath the boulders to catch soil). When

the slope is finished he would lay processed gravel on top (because it's very stable against the weather), then add hay mulch, erosion control blankets or hydroseeding mulch on the slope as a cover to protect the slope. It would take 2 week period overall.

Drew Kukucka asked the commission if they have any other questions.

Agent Shapiro asked Mike Mocko about any considered alternatives because there is some direct wetland impact due to the culvert and the fill. She asked if there were options that had less direct wetland impact.

Mike Mocko stated that the other alternative is a bridge which is cost prohibitive and doesn't fit the site well. He feels that this is ordinarily allowable and native shrubs and grasses from 400 linear feet and 20 feet wide will replicate mitigation for the impact to the wetlands. Adjacent properties also include similar culverts, both up and downstream. Mike Mocko stated that he also considered wetland replication but the stream is a gully straight through and the grading involved in wetland replication would be costly, severe, difficult and more damaging. He stated that the purpose of stream is to convey mountain water down to the lower part of the watershed downstream. The woodland swamps fed by the stream are where most biological activity takes place. The area of proposed construction is not a habitat for wetland animals.

Agent Shapiro stated that the commission will take all of that into consideration. She stated that she understood that the cost of the alternative would likely outweigh the benefit.

Drew Kukucka stated that he has a concern about ability to stabilize and that a lot of the area could be open to the elements until next growing season.

Mike Mocko stated that with the right fill it won't erode, and that he will be inspecting and approving the fill. He plans to use gravel with 60% stone by weight that will hold up well on the modest slope. Mats and hydroseeding mulch would hold all winter stabilizing the soil that is up there. From halfway to the headwall up to the top of the slope will be boulders, which will stay in place. He plans to place non-woven filter fabric under the boulders. He explains that the 12-24" rocks will be set directly on the filter fabric that gets embedded into the soil and will act as a good barrier to prevent erosion. He states that he can completely stabilize the slope if it's done as specified.

Drew Kukucka asked when Mike Mocko will be adding in the plantings.

Mike Mocko says that they will be done in the spring.

Drew Kukucka asks if there will be topsoil added in the spring.

Mike Mocko stated that erosion control mats will be installed twice and that hydroseed mulch will also be installed twice.

Drew Kukucka asked about the planting schedule on the plan.

Agent Shapiro directs the commission to the job procedure on the right side of the plan for further review. She suggested that the topsoil schedule could be added to the job procedure plan, and it might be helpful to include a detail for dewatering and erosion controls for the stream during construction.

Mike Mocko stated that he would like a little flexibility dependent on when the project begins. The procedure is written so that the project can start any time of year once the permit is available. The sensitive part of the job is setting the pipe.

Mike Mocko stated that they will sandbag the stream, run the water around the site while the work is being completed. They will then add 4" to 6" of aggregate gravel to set the pipe on. They will then backfill the pipe with gravel and restore flow back to the pipe within one day without any impact to downstream.

Agent Shapiro suggested that details like the sandbags and piping can be added into the plans for clarity. She suggests that the commission could consider conditions like a pre-consultant meeting between the applicant's consultant and wetland agent.

David Fontaine says Mike Mocko will be overseeing the work. David Fontaine is a

contractor and is familiar with construction from an oversight rule and will have Mike Mocko fully involved.

Mike Mocko stated that he would be willing to work with Agent Shapiro on additional details, and requested that the commission schedule a special meeting to expedite the process.

Agent Shapiro stated that it's tough around the holidays, and that the Chair is not present tonight, but that the earliest possible special meeting date is the 16<sup>th</sup> of December by statute, and that she will email the commission to see if a quorum is possible.

Drew Kukucka asked what the justification for the special meeting is.

Mike Mocko stated that he would like to get it in before the ground freezes or the site gets wetter. Once the culvert is in place the driveway can be worked on at any pace.

David Fontaine added that if the work is pushed further into the spring, there may be more potential for erosion and sedimentation.

Agent Shapiro stated that she will visit the site next week and work with Mike Mocko and David Fontaine on notes and then reach out to the commission regarding a special meeting.

Drew Kukucka asked the commission if they have any questions or comments.

IV. AUDIENCE PARTICIPATION  
NONE

V. STAFF REPORT

Agent Shapiro stated that there have been a number of inquiries about certain properties in town containing wetlands.

271 and 279 Billings Rd are being sold together. There is the potential for a significant wetland crossing unless they squeeze house in by road.

44 Broadway Rd has had new inquiries. The property was approved by the commission 20 years ago or so for a long driveway with wetland crossing.

80 Denison Rd has wetlands in back, it likely will come before the commission for a proposed house in the upland review area.

Agent Shapiro has issued a handful of minimal impact permits for sheds, etc. Agent Shapiro plans to reinspect the other side of Eleanor Rd where the self-storage site is located. It was pretty well stabilized, but more stabilization and planting needed to be done at the last inspection. She has been notified that it is now ready to reinspect.

VI. MINUTES APPROVAL: November 4, 2020

Karl Walton made a motion to approve the minutes from November 4, 2020 as submitted. Dan Fraro seconded.

All in favor. Minutes were approved.

VII. ADJOURNMENT

Karl Walton made the motion to adjourn

Candace Aleks seconded.

All in favor. Motion carried. Meeting was adjourned at 7:52 P.M.

Respectfully Submitted,  
Tara Comrie, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING